

REPORT ON THE JUDICIAL AUDIT AND PHYSICAL INVENTORY OF THE RECORDS OF CASES IN MTCC-BR. 2, BATANGAS CITY

G.R. No. 94-10-96-MTCC. September 05, 1995

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-94-10-96/>

MENDOZA, J.:

This concerns the recommendation of the Office of the Court Administrator to take disciplinary action against Judge Francisco D. Sulit of the Municipal Trial Court in the Cities (Branch 2) at Batangas City and certain employees of his court, the judge for his failure to decide nineteen (19) cases within ninety (90) days as required by law, and the employees for their failure to observe office hours. The background of this matter is as follows:

On October 17, 1994, the OCA submitted a memorandum to the Court, reading in pertinent parts as follows:

On August 22, 1994, Deputy Court Administrator Reynaldo L. Suarez directed Attys. Danilo L. Mendoza, Lilian C. Barribal and Wilhelmina F. Datu, to proceed to the Municipal Trial Court in Cities, Branch 2, Batangas City to conduct an audit and physical inventory of the records of cases pending, including cases submitted for decision and/or resolution.

In compliance with the said Order, the team went to the Municipal Trial Court in Cities, Branch 2, Batangas City on August 24, 1994 and conducted an audit and physical inventory of the records of cases thereat. Upon arriving in Batangas City at around 8:30 a.m., the team immediately proceeded to the sala of Judge Francisco D. Sulit, Presiding Judge of MTCC, Branch 2, Batangas City, but, unfortunately, the said court was still closed. Thereafter, the team went to the adjoining sala of MTCC, Branch 1, where they (team) decided to wait for the arrival of the personnel of Judge Sulit. At around 9:00 a.m., the team again went to the sala of Judge Sulit and considering the fact that the same (office) was still closed, they (team) decided to proceed to the Office of the Clerk of Court to inquire from the personnel of said office how cases are being raffled among the 2 MTCC branches in Batangas City.

xxx xxx xxx

At around 9:30 to 10:00 a.m., the team was informed that the personnel of Branch 2 had already arrived and that they (team) could now proceed with their task of conducting the audit and physical inventory of cases in said court. The team at once conferred with the Clerk of Court of Branch 2, who informed them that Judge Sulit was not around as he was then attending a seminar in Manila. When they (audit team) requested for a copy of their Quarterly Report as of June 30, 1994, the Clerk of Court informed them that although he had already prepared the same (Quarterly Report) and submitted it to Judge Sulit for his signature, the latter refused to sign the report for reasons known only to him.

xxx xxx xxx

There are likewise 19 cases submitted for decision beyond the 90-day reglementary period. When the audit team requested the Clerk of Court to produce the records of the said cases, the latter was able to account for only six (6)

cases with the explanation that the other thirteen (13) cases are still with Judge Sulit. It should be noted that the aforesaid 6 cases (Criminal Cases Nos. 16647, 17225, 17660, 18177, 18204 and 19303) were still undecided at the time of the audit.

In accordance with the recommendation contained in the memorandum, the Court required Judge Sulit to explain why he failed to decide the cases on time and the employees concerned why they were late for office on August 24, 1994.

In his answer dated December 9, 1994, Judge Sulit reported that, as of that date, the nineteen (19) cases had already been decided by him and that this fact could be verified in a new audit. Impliedly admitting that he had failed to decide the nineteen (19) cases on time, Judge Sulit explained that this was due to a number of reasons, to wit:

(1) The trials in some of those cases began before he assumed office on February 14, 1989 and the stenographic notes taken at the hearings were either missing or untranscribed and could not be reconstituted because the stenographers who took the notes had retired.

(2) One of the two stenographers in his court went on leave for almost two years and later applied for disability retirement. Judge Sulit asked for an additional stenographer but his request was denied by the Supreme Court for lack of funds. It was only on November 12, 1993 when a new stenographer was assigned to his court.

(3) The Branch Clerk of Court took a long leave of absence to take care of his father who suffered a stroke.

(4) Some of the notes Judge Sulit himself had taken were lost after he had left them on his table. He surmised that the janitor must have thrown them away, perhaps thinking they were waste paper.

(5) Judge Sulit suffered crises in his family with the death of his mother in 1989, his eldest son early in 1990, and his father in 1992, and these events affected him and his work seriously.

Judge Sulit also pleaded in extenuation the fact that he has had thirty-three (33) years of government service, twenty-two (22) of which have been in the judiciary; that since he assumed office on February 14, 1989, until the third quarter of 1994, he had disposed of 3,074 cases; that because of his efforts to prevent clogging of the dockets of his sala his caseload at the end of the first quarter of 1994 was only 300.

On the other hand, the court employees concerned, namely, Joseph D. Mercado, Apolonia M. Ortega, Grace P. Del Rosario, Jennifer P. Untalan, Ladislao Dinglasan, Jr., Lolita A. Bauan, Jose W. Iturralde, and Manuel P. Hernandez, all denied reports that they were late for office on the day the audit team came, claiming that they arrived in the office before 8:00 A.M.

But the audit team submitted two affidavits to substantiate its allegation that the employees were not in the office when the team arrived at 8:30 A.M. on August 24, 1994.

The first affidavit is that of Cora M. Dalangin, Clerk of Court Ill of Branch 1, in which she states that the audit team from the OCA arrived at the MTCC at 8:30 A.M. on August 24, 1994; that although the purpose was to conduct an audit and inventory of cases pending in Branch 2, the team had to stay at Branch 1 because Branch 2 had not opened; that at around 9:00 A.M., a member of the team went to check Branch 2 but found it to be still closed; that it was only at 9:30 A.M. when the group had been told that the sala of Judge Sulit was already open, and so the group proceeded there. Dalangin states that in fact an employee of Branch 2, Ladislao Dinglasan, who had arrived early, had to wait with the audit team at Branch 1, because his office was still closed.

In his affidavit, Porfirio R. Pagsinohin corroborated Dalangin's statement that the audit team arrived at the Office of the Clerk of Court of the MTCC at around 8:30 A.M. on August 24, 1994 but found Branch 2 still closed; that

they stayed at Branch 1 while waiting for Branch 2 to open; and that Branch 2 actually opened past 9:00 A.M.

Porfirio B. Pagsinohin is Clerk of Court IV of the MTCC.

After Judge Sulit and the court personnel had submitted their answers, the case was referred to the OCA for investigation, report and recommendation.

On April 4, 1995, the OCA submitted its report. It found the reasons given by Judge Sulit for his failure to decide the nineteen (19) cases within ninety (90) days to be mitigating and recommended that he be fined P5,000.

With respect to the court personnel, the OCA gave no credence to their denial. It found no motive on the part of the members of audit team and the two clerks of court to testify falsely against the personnel of the MTCC. The OCA recommended that the employees concerned be sternly warned that a repetition of their act would be dealt with more severely.

First. We find the explanation of Judge Francisco D. Sulit to be unsatisfactory. Some of the cases which he failed to decide had been pending for four years when the audit was made. The charges for which these cases had been brought ranged from violations of city ordinances to estafa. There is no claim that they were of unusual complexity requiring much study and reflection so as to justify the delay in their disposition. (Cf. *Secretary of Justice v. Bidin*, 41 SCRA 742 (1971))

What Judge Sulit claims is that the stenographers allegedly failed to transcribe the notes taken by them until they retired; that some of the cases were tried by other judges and for this reason he could not have taken notes himself while in other cases heard by him the notes he took must have been picked up by the janitor and thrown. The reasons given are not compelling. The fact is that after the audit team found on August 24, 1994 That Judge Sulit failed to decide the nineteen (19) cases on time, Judge Sulit showed that after all he could easily dispose of them within three months so much so that in his answer dated December 9, 1994 he reported that the nineteen (19) cases had all been decided. His claim that he had been taking notes of the testimony of witnesses but lost them because a janitor threw them away is simply incredible.

Judge Sulit claims that his caseload is appreciably lower than that of the other sala, because he has been doing his best to dispose of cases on time.[1] Indeed, his Quarterly Report dated March 1994 shows that he had only 300 pending. In the same report, however, and in his monthly reports submitted in 1993, he omitted to mention the nineteen (19) cases in question. The Quarterly Report has a portion under the heading "Item VII. Total Number of Cases Submitted for Decision But Not Yet Decided at the End of the Quarter." This portion was left unfilled in Judge Sulit's Quarterly Report dated March, 1994, as well as in the June and September 1994 Quarterly Reports, which he submitted on November 7, 1994. Similarly, the same portion was left blank in all the monthly reports of cases which he submitted in 1993.

No reason has been given by Judge Sulit why he failed to report these cases to the Court. If he was busy keeping abreast of his docket, he could have asked for extension of time to dispose of these other cases. (*Cruz v. Basa*, A.M. No. MTJ-91-598, 218 SCRA 551 (1993)). However, he did not. Instead he omitted entirely to report the cases to the Court.

The failure of Judge Sulit to disclose this fact constitutes serious misconduct and warrants the imposition of a penalty higher than that recommended by the OCA. Indeed, the admonition that a judge's conduct should be above reproach (Canon 31, Canons of Judicial Ethics) applies with greater force to his dealings with the Court under whose supervision he is. He is not a mere employee but the presiding judge of his court. He is, it bears emphasis, the visible representation of law and justice. (*Arban v. Boyer*, 143 SCRA 634 (1986); *Fonacier v. Ancheta*, 107 SCRA 538 (1981)) As such he should conduct himself strictly in accordance with the highest

standards of ethics. It is thus not enough that Judge Sulit finally disposed of the nineteen (19) cases.

The Court views with deep concern his failure to give a satisfactory explanation of his failure to decide the cases within the time required by law and to report these cases to the Court. In previous cases, we considered the failure of a judge to decide even a single case within ninety (90) days gross inefficiency warranting the imposition of fines ranging from P5,000.00 to the equivalent of one month's salary. (See *Castillo v. Cortes*, 234 SCRA 398 (1994) (Fine of P5,000.00); *Re: Letter of Mr. Octavio Kalalo*, 231 SCRA 403 (1994) (Fine of P5,000.00); *Adriano v. Sto. Domingo*, 202 SCRA 446 (1991) (Fine of P10,000.00); *In Re Madara*, 104 SCRA 245 (1981) (Fine equal to one month salary and reprimand)) In *Baguio v. Torres*, 211 SCRA 1 (1992) a judge was fined P20,000.00 for his failure to decide three (3) criminal cases, even though the Court found four mitigating circumstances in his favor.

In the case at bar, considering the circumstances already noted on the one hand and, on the other, the fact that this is his first offense, a fine of P15,000.00 would be reasonable.

Second. With respect to the personnel of Branch 2, we agree with the OCA that there is no reason for the audit team to make a false accusation against them if it was not true that they were late for office on August 24, 1994. The audit team's report is corroborated by two employees of the MTCC. The denial of the employees concerned cannot thus prevail over this report of the audit team. It is probable that because they knew that Judge Sulit was not coming on that day they thought they could come to the office late. What they did not reckon with, however, was that the audit team was coming on that day.

WHEREFORE, respondent Judge Francisco P. Sulit is found guilty of SERIOUS MISCONDUCT and GROSS INEFFICIENCY and is hereby ORDERED to pay a fine of FIFTEEN THOUSAND PESOS (P15,000.00).

The personnel of Branch II of the MTCC of Batangas City, namely, Joseph D. Mercado, Apolonia M. Ortega, Grace P. Del Rosario, Jennifer P. Untalan, Lolita A. Bauan, Jose W. Iturralde, and Manuel P. Hernandez, are REPRIMANDED and enjoined to henceforth dutifully observe office hours.

All respondents are WARNED that a repetition of this offense will be dealt with more severely.
SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Francisco, and Hermosisima, Jr., JJ., concur.
Feliciano, J., on leave.

[1] In cases decided by this court, the following have been considered to mitigate liability where cases were not decided within the 90-day reglementary period:

- (1) where respondent judge's output of decided cases compares favorably with that of the other branches of the CFI within his district (*Superable v. Escalona*, 24 SCRA 545 (1968))
- (2) congestion of the docket of respondent's court due to circumstances not attributable to respondent;
- (3) lack of necessary personnel;
- (4) respondent's detail in other courts;
- (5) Illness (*Baguio vs. Torres*, 211 SCRA 1 (1992))
- (6) The offense is respondent's first offense;
- (7) age (*Abad v. Belen*, 240 SCRA 733 (1995))

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.